

Remarks/Arguments

As of the Office Action mailed November 14, 2005 claims 1-5, 8-14 and 16 are pending in the application and stand rejected. Reexamination and reconsideration are respectfully requested in light of the amendments and remarks/arguments herein.

Amendments to the Claims

Claim 1 has been amended to recite that the second fabric material is partially disposed over said compressible material and a portion of the first fabric material. Support can be found at paragraph [0025] of the published application which recites that the animal chew may include a first layer of fabric including high strength fibers and that at least a portion of the animal chew may include a second outer layer that is not a high performance fabric and that the second layer may overlie a portion of the first layer. Accordingly, no new matter has been entered.

In addition, claim 1 has been amended to recite that the fibers having a tensile strength greater than 50,000 psi and/or a modulus greater than or equal to 500,000 psi are blended or interwoven with conventional fiber material. Support can be found at paragraph [0012] of the published application which recites in part that the “fabric material may include high strength fibers blended or interwoven, etc. with conventional fiber material.” No new matter has been entered.

Claim 19 has been added to the application and recites that “said body portion further comprises a third fabric material comprising fibers having a tensile strength greater than or equal to 50,000 psi and/or a modulus greater than or equal to 500,000 psi disposed partially over said first fabric material.” Support for this amendment may be found in paragraph [0026] of the published application which recites in part: “the overall durability of the animal toy may be

further improved by providing the animal chew having multiple layers of high performance fabric.” No new matter has been added by this amendment.

Claim 20 has been added which recites that “the first fabric material has a first axis of orientation and said third fabric material has a third axis of orientation at an angle of between 1-179 degrees from said first axis of orientation.” Support for this amendment may be found in paragraph [0027] of the published application which recites in part that:

“the high performance fabric may include an axis of orientation, i.e., the fabric may have a higher strength in one direction versus another direction. The animal toy may include multiple layers of high performance fabric wherein an axis of orientation of a layer of high performance fabric is not aligned with an axis of orientation of an adjacent layer of higher performance fabric, i.e., the axes of orientation of adjacent layers are at an angle relative to one another, and such angle may vary between 1-179 degrees, including all 1.0 degree increments therebetween.”

No new matter has been added by this amendment.

Claim 21 has been added which recites that “said first fabric material is selectively positioned on the animal toy at those locations that are prone to the chewing or biting action of the animal.” Support for this amendment may be found in paragraph [0012] of the published application which recites in part that: “[a]lternatively, the fabric material with the aforementioned characteristics can be selectively positioned on the chew at those locations that are more prone to the chewing or biting action of the animal.” No new matter has been added by this amendment.

Claim 22 has been added to recite that “said compressible material is isolated to certain regions of the animal toy.” Support for this amendment may be found in paragraph [0023] of the published application which recites in part: “[t]he stuffing or compressible material may exist throughout the toy, or be isolated to certain regions.” No new matter has been added by this amendment.

Claim 23 has been added to recite: “an animal toy comprising a body portion, said body portion comprising a compressible material, a first fabric material disposed partially over said compressible material, and a second fabric material disposed partially over said first fabric material, said first and second fabric materials comprise fibers having a tensile strength greater than or equal to 50,000 psi and/or a modulus greater than or equal to 500,000 psi, and said first and second fabric materials include an axis of orientation, wherein said fabric materials have a higher strength in one direction versus another direction, and said axis of orientation of said first and second fabric materials are not aligned relative to each other.”

Support for this claim may be found, for example, in paragraph [0027] of the published application as recited above. No new matter has been added by this claim.

Claim 24 has been added and recites that the “compressible material is selected from the group consisting of foam, fiber, fiber based batting, fiber based fill, elastomeric material and shredded material.” Support for this claim may be found in paragraph [0022] of the published application which recites that “[t]he resilient or compressible material may include conventional stuffing materials, such as foamed polymeric material, fiber based batting or fill, elastomeric material, shredded material, etc.” No new matter has been added by this claim.

Claim 25 has been added and recites that “said first fabric material and said second fabric material are adjacent and said axes of orientation are at an angle between 1-179 degrees relative to each other.” Support for this amendment may be found in above recited paragraph [0027] of the published application. No new matter has been added by this claim.

Rejections Under 35 USC §102/103

Claims 1-5, 8-14 and 16 stand rejected under 35 USC §103(a) as being unpatentable over Denesuk et al, U.S. Patent No. 6,169,156 in view of Jordan, U.S. Patent No. 5,226,384.

As an initial matter, claim 1 has been amended to recite “a first fabric material disposed partially over said compressible material, said first fabric material comprising fibers having a tensile strength greater than or equal to 50,000 psi and/or a modulus greater than or equal to 500,000 psi, which are blended or interwoven with conventional fiber material and a second fabric material partially disposed over said compressible material and a portion of said first fabric material, said second fabric material comprising fibers having a tensile strength less than 50,000 psi and/or a modulus less than 500,000 psi.”

It is not believed that such combined features are present in the references of record. In particular, Applicants note that the Examiner conceded that the U.S. ‘156 patent did not teach that one of the fibers could be a high strength fiber. Attention was then directed to the U.S. ‘384 patent for the proposition that it disclosed a high strength aramid fibers. However, the U.S. ‘384 patent does not teach or suggest, as now presented in amended claim 1, that the aramid fibers therein may be blended or interwoven with any other fibers. In fact, the U.S. ‘384 patent at best discloses (FIG. 3C) that one may “encase the entire bed 10 in a further soft cloth casing, such as a pillow case.” Col. 5, lines 38-47. This is not understood to teach or suggest that the aramid fibers therein may be advantageously blended or interwoven with other fibers.

In addition, claim 23 has been added and is directed to “[a]n animal toy comprising a body portion, said body portion comprising a compressible material, a first fabric material disposed partially over said compressible material, and a second fabric material disposed

partially over said first fabric material, said first and second fabric materials comprise fibers having a tensile strength greater than or equal to 50,000 psi and/or a modulus greater than or equal to 500,000 psi, and said first and second fabric materials include an axis of orientation, wherein said fabric materials have a higher strength in one direction versus another direction, and said axis of orientation of said first and second materials are not aligned relative to each other.” The references do not appear to teach or suggest aligning a first fabric material and a second fabric material, wherein the first and second fabric materials comprise fibers having a tensile strength greater than or equal to 50,000 psi and/or a modulus greater than or equal to 500,000 psi, in such a manner that the axes of orientation of each fabric are not aligned relative to each other. Accordingly, it is respectfully asserted that the subject matter claimed defines over the references of record.

In light of the above, Applicants respectfully submit that claims 1-5, 8-14, 16 and 19-25 are not taught or suggested by the cited references. In consideration of the foregoing Applicants respectfully requests that the rejections of the claims are withdrawn upon reconsideration.

Having overcome all of the outstanding rejections, it is respectfully submitted that the application is now in condition for allowance. Early and favorable action is respectfully solicited.

No claim fee is believed necessary as the number of independent claims (2) and total number of claims (20) does not exceed the number of independent claims and total claims paid at the time of filing the application. In the event there are any fee deficiencies or additional fees are

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payable, please charge them (or credit any overpayment) to our Deposit Account 50-2121.

Respectfully submitted,

/Steven J. Grossman/

Steven J. Grossman
Attorney for Applicant(s)
Reg. No. 35,001
Customer No. 32047
Grossman, Tucker, Perreault & Pfleger, PLLC
55 South Commercial Street
Manchester, New Hampshire 03101
Tele: 603.668.6560